

04-20-01

A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on April 18, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EL631005786US**, addressed to the Commissioner for Patents, Washington, DC 20231.

*Aurelia Sanchez*  
Aurelia Sanchez

Attorney Docket No.:

SUN1P168C2/P2840C2

First Named Inventor: Hölzle et al.

J1036 U.S. PTO

09/837901

04/18/01

**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
**Urs Hölzle, Robert Griesemer and David Griswold**

For: **METHOD AND APPARATUS FOR DYNAMICALLY OPTIMIZING BYTE-CODED PROGRAMS**

Assigned to: Sun Microsystems, Inc.

This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part

of prior Application No.: 09/365,706, which in turn is a Continuation of U.S. Patent No. 5,995,754 from which priority under 35 U.S.C. §120 is claimed.

**Application Elements:****40** Pages of Specification, Claims and Abstract**11** Sheets of formal Drawings

Declaration



Newly executed



Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).  
The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

**Accompanying Application Parts:**

Do not publish this application. Nonpublication Request is attached.



Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)



Power of Attorney

- ☐ 37 CFR 3.73(b) Statement by Assignee  
☐ Information Disclosure Statement with Form PTO-1449    ☐ Copies of IDS Citations  
☐ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)  
☒ Return Receipt Postcard  
☒ Other: Petition for Suspension of Prosecution.

Claim For Foreign Priority

- ☐ Priority of        Application No.        filed on  
                          is claimed under 35 U.S.C. § 119.  
                          ☐ The certified copy has been filed in prior application U.S. Application No.  
                          ☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

- ☐ Amend the specification by inserting before the first line the sentence: "This is a  
                          ☐ Continuation    ☐ Continuation-in-part    ☐ Divisional  
                          application of co-pending prior  
                          ☐ Application No.        filed on        ,  
                          ☐ International Application        filed on        which  
                          designated the United States,  
                          the disclosure of which is incorporated herein by reference."
- ☐ Cancel in this application original claims        of the prior application  
 before calculating the filing fee. (*At least one original independent claim must be retained.*)

Fee Calculation (37 CFR § 1.16)

☐

Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	01	MINUS	20	= 00	x 18 =	
INDEP.	01	MINUS	3	= 00	x 80 =	
[ ] First presentation of multiple dependent claim					\$270 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$710 =	710.00
TOTAL						710.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

☒

Check No. 10931 in the amount of \$840.00 is enclosed to cover the filing fees and the Petition for Suspension of Prosecution fee.

☒

The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. SUN1P168C2).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

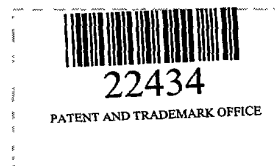
☒

Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. SUN1P168C2).

☒

Please send correspondence to the following address:

**Customer Number 022434**  
BEYER WEAVER & THOMAS, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778  
Telephone (650) 961-8300  
Fax (650) 961-8301



Date: April 18, 2001

Steve D Beyer  
Steve D Beyer  
Registration No. 31,234

04/23/2001 EHA1LU 00000023 09837901

02 FC:122

130.00 0P

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hölzle et al.

Attorney Docket No.:  
SUN1P168C2/P2840C2

Application No.: Unassigned

Examiner: Unassigned

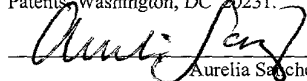
Filed: Herewith

Group: Unassigned

Title: METHOD AND APPARATUS FOR  
DYNAMICALLY OPTIMIZING BYTE-CODED  
PROGRAMS

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached  
therein are being deposited with the United States Postal Service on April 18, 2001 in an  
envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10,  
Mailing Label Number e1631005786US, addressed to the Assistant Commissioner for  
Patents, Washington, DC 20231.

  
Aurelia Sanchez

PETITION FOR SUSPENSION OF PROSECUTION UNDER 37 C.F.R. 1.103

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully petition for the suspension of action in this application. This  
petition for suspension is being filed concurrently with the continuation application. No  
outstanding actions exist in this application. This suspension of action in this application is  
respectfully requested for a period of six months. This period of suspension of application is  
requested in order to permit sufficient time for the representative of the applicants to prepare an  
appropriate set of claims for this continuation application.

Enclosed is our Check No. 10931 in the amount of \$840.00 in payment of the Petition for  
Suspension of Prosecution and filing fees. The Commissioner is authorized to charge any other  
fees that may be due to our Deposit Account No. 50-0388 (Order No. SUN1P168C2). A  
duplicate copy of this sheet is enclosed for this purpose.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
Steve D Beyer  
Reg. No. 31,234

P.O. Box 778  
Berkeley, CA 94704-0778  
(650) 961-8300